

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FRAMINGHAM'S PETITION FOR
DETERMINATION OF RATES APPLICABLE TO
TRANSPORTATION AND TREATMENT OF SEWAGE
PURSUANT TO INTERMUNICIPAL AGREEMENT

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TOWN OF ASHLAND'S FIRST SET OF INFORMATION
REQUESTS TO TOWN OF FRAMINGHAM

1. The Town of Ashland ("Ashland") hereby submits Ashland's First Set of Informational Requests to the Town of Framingham ("Framingham") Each request should be answered in accordance with 220 C.M.R. §1.06 (6) (c) and the Ground Rules set forth in the Department's December 9, 2002 Memorandum.

2. These Information Requests request that Framingham respond with all information within the possession, custody and/or control of Framingham, their agents, employees, consultants and attorneys.

3. Each answer, statement or objection shall be preceded by the Information Request to which it responds.

4. Whenever Framingham answers any Information Request by reference to records from which the response may be derived or ascertained, as permitted in Mass. R. Civ. P. 33(d), the specification of documents to be produced shall be in sufficient detail to permit Ashland to locate and identify the records and to ascertain the response as readily as could Framingham.

5. If Framingham makes an objection to any Information Request or subpart thereof, it shall state with specificity all grounds upon which Framingham relies.

DEFINITIONS

The full text of the following definitions are deemed incorporated by reference in all Information Requests:

1. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
2. The terms “document” or “documents” are defined to be synonymous in meaning and equal in scope to the usage of this term in Mass. R. Civ. P. 34(a). A draft or non-identical copy is a separate document within the meaning of this term.
3. When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. Once a person has been identified in accordance with the subparagraph, only the name of the person need be listed in response to subsequent discovery requesting the identification of that person.
4. When referring to documents, “to identify” means to give, to the extent known, the following:
 - (a) type of document;
 - (b) general subject matter;
 - (c) date of the document; and
 - (d) author(s), addressee(s), and recipient(s).
5. The term “person” is defined as any natural person or any business, legal, or governmental entity or association.

6. The term “concerning” means referring to, describing, evidencing, relating to, constituting, embodying, regarding or discussing.

7. When an Information Request calls upon a party to “state the basis” of a particular claim, assertion, allegation, or contention, the party shall:

- (a) identify each and every document (and, where pertinent, the section, article, or subparagraph thereof), which forms any part of the source of the party’s information regarding the alleged facts or legal conclusions referred to by the Information Request;
- (b) identify each and every communication which forms any part of the source of the party’s information regarding the alleged facts or legal conclusions referred to by the Information Request;
- (c) state separately any other fact which forms the basis of the party’s information regarding the alleged facts or conclusions referred to in the Information Request.

8. “And” and “or,” as used herein, shall have both conjunctive and disjunctive meanings and “all” and “any” mean both, each, and every.

9. “Shared Segments” means those sections of gravity sewer pipe that transport both Ashland and Framingham sewerage including the Beaver Dam Interceptor from Bates Road to Herbert Street, Herbert Street to Beaver Street, Beaver Street to Arthur Street and the Farm Pond Interceptor from the Ashland connection to Bishop Street, Bishop Street to the Beaver Dam Interceptor connection and the Beaver Dam Interceptor to Arthur Street.

INFORMATION REQUESTS

ASH 1-1 What have been the repair costs to the Shared Segments incurred from 1963 to present? Please provide all documents concerning Framingham's response.

ASH 1-2 What have been the replacement costs of the Shared Segments incurred from 1963 to present? Please provide all documents concerning Framingham's response.

ASH 1-3 What are the current and future needs for any repairs and replacements to the Shared Segments? When does Framingham plan on performing and completing these repairs and replacements? Please provide all documents concerning Framingham's responses including but not limited to anticipated costs for such repairs and replacements.

ASH 1-4 What, if any, replacement costs were or are for providing additional capacity to transport Ashland sewage? What, if any, replacement costs were or are for providing additional capacity to transport non-Ashland sewerage? Please provide all documents concerning Framingham's responses.

ASH 1-5 Please state the basis for all information contained in Table 6.2 as provided by Framingham in FRA 1-13 in the Town of Framingham's Response to the Department's First Set of Information Requests. Please provide all documents concerning Framingham's responses.

ASH 1-6 Please state the basis for the data concerning why in Table 6.2 of SEA's Report (May 2001), the data in the column entitled "Approximately Ashland's Use %" for the Beaver Dam Interceptor to Herbert Street was changed from 20% to 75% in the Table 6.2 referenced by Framingham in Framingham's FRA 1-13 Response in the Town of Framingham's Response to the Department's First Set of Information Requests. Please provide all documents concerning Framingham's responses.

ASH 1-7 In Framingham's DTE F-1-4 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, Framingham stated that in Appendix B of SEA's Report (May 2001), SEA updated the MWRA schematic maps by "adding new lines and connections" because they were "outdated." This same Response stated that "SEA added a small section of pipe that was missing from the MWRA schematic in the area of Beaver Street." Utilizing the Appendix B map, which "lines and connections" were added? In what respects were the MWRA maps "outdated"? Utilizing the Appendix B map, which "small section of pipe that was missing from the MWRA schematic" was added and where was it added? What is the scale of the SEA Appendix B map? Please provide all documents concerning Framingham's responses.

ASH 1-8 In Framingham's DTE F-1-4 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, Framingham states that the maps included in Appendix B to SEA's Report (May 2001) were based on MWRA schematic maps. Were these MWRA schematic maps the Massachusetts Water Resources Authority Community Sewerage Map for the Town of Ashland dated November 2001 and the Massachusetts Water

Resources Authority Community Sewerage Map for the Town of Framingham dated November 2001? If not, please identify which MWRA schematic maps were the basis for the maps included in Appendix B to SEA's Report (May 2001)? Please provide all documents concerning Framingham's responses.

ASH 1-9 In Framingham's DTE F-1-7 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, Framingham states that Framingham "incurred costs" in connection with responding to "emergency overflow situations on these pipelines, due to weather or storm flows." What were these incurred costs and how were they incurred? Provide all documents concerning Framingham's responses. Is it Framingham's position that the Department should award these costs to Framingham?

ASH 1-10 In Framingham's DTE F-1-18 Response to the Town of Framingham's Response to the Department's First Set of Interrogatories, Framingham states that "the figure provided in Framingham's Petition for the 2001 fiscal year has been increased from \$203,000 (which was based on estimated budget figures) to \$257,162.91 (based on actual, final numbers) and the flow percentages for 2001 have been adjusted from those set forth in SEA's study to reflect the most recent data available from the MWRA." Please provide all documents concerning Framingham's adjustment of the figure \$203,000 to \$257,162.91 as well as all documents which "reflect the most recent data available from the MWRA" as well as all other documents concerning Framingham's response.

ASH 1-11 Please state what state and federal funding Framingham has received or knows it will receive for purposes of repairing any or all of the Shared Segments. Please state what state and federal funding Framingham has received or knows it will receive for purposes of replacing any or all of the Shared Segments. Please provide all documents concerning Framingham's responses.

ASH 1-12 What is the average daily flow generated by Framingham users through any and all of the Shared Segments? What is the average daily flow generated by non-Ashland users through any and all of the Shared Segments? What is the average daily flow generated by Framingham users at the point of connection to the MWRA? What is the average daily flow generated by non-Ashland users at the point of the connection to the MWRA? Please provide all supporting concerning Framingham's responses.

ASH 1-13 In Framingham's DTE F-1-31 Response in the Town of Framingham's Response to the Department's First Information Requests, Framingham states that "Framingham considers all facilities in its system "necessary" to convey Ashland's sewage." Which "facilities" is Framingham referencing and why are these facilities necessary to convey Ashland's sewage? Please provide all documents concerning Framingham's responses.

ASH 1-14 In Framingham's DTE F-1-31 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, Framingham states that "the actual pipes used by Ashland are but one component of the actual sewage components necessary to transport Ashland's sewage." Which "actual components" are "necessary to transport Ashland's sewage"

(other than the Shared Segments)? Why are these components “necessary”? Please provide all documents concerning Framingham’s responses.

ASH 1-15 In Framingham’s DTE F-1-31 Response in the Town of Framingham’s Response to the Department’s First Set of Information Requests, Framingham states that “. . .flows from Ashland (along with flows from Framingham) are temporarily stored in an overflow pipe located near the discharge to the MWRA’s system, and possibly in other pipes within the Framingham system.” How frequently do Ashland and Framingham flows get stored temporarily in the overflow pipe located near the discharge to the MWRA’s system? Where specifically is the overflow pipe located? What other pipes in the Framingham system would possibly store Ashland flow temporarily? Please provide all documents concerning Framingham’s responses.

ASH 1-16 In Framingham’s DTE F-1-29 Response, Framingham states that:

“Subject to and without waiving this objection as indicated in Framingham’s response to DTE F-1-5, the only available flow data regarding Ashland’s sewage discharges are based upon MWRA metering stations located in Ashland. In FY 1999, the MWRA meters indicated that Ashland’s flow was 8.79% of the total flow in Framingham’s system. In FY 2000, this figure was 13.45%. In FY 2001, this figure was 13.08%. As described in Framingham’s response to DTE F-1-5, these flow numbers do not pick up any additional flow that might enter Ashland’s pipes before the pipes discharge into Framingham’s system.”

Please provide all documents concerning information obtained from MWRA meters to support the percentages indicated above. State the basis for where the referenced “additional flow” might come. What is Framingham’s maximum average daily estimate for the “additional flow that might enter Ashland’s pipes before the pipes discharge into Framingham’s system”? Please provide all documents concerning Framingham’s responses.

ASH 1-17 What, in Framingham's opinion, is the useful life of a newly installed pipe?

Please provide all documents concerning Framingham's response.

ASH 1-18 Please provide the dates of all instances where the Metropolitan District commission levied charges against Framingham as per the Intermunicipal Agreement between Ashland and Framingham dated December 9, 1963 ("IMA"). Please provide all documents concerning Framingham's response.

ASH 1-19 Please state the basis for Framingham's assert that there was actual damage to the Shared Segments due to the hydrogen sulfide generated by Ashland. Please state the basis for Framingham's assertion that any actual damage was directly caused by Ashland as opposed to other towns and the cost for such damage. Please provide all documents concerning Framingham's responses.

ASH 1-20 Please provide all documents concerning the presence of hydrogen sulfide in the Ashland sewer system and/or the discharge of sewerage containing hydrogen sulfide into the Framingham System.

ASH 1-21 Please provide Framingham's position as to how Ashland and Framingham should share future capital costs. Please provide all documents concerning Framingham's response.

ASH 1-22 Please provide copies of any intermunicipal agreements that support Framingham's claims in its Petition and subsequent pleadings filed by Framingham. Please state the basis for why Framingham claims that any intermunicipal agreements provided support Framingham's claims. Please provide all documents concerning Framingham's responses.

ASH 1-23 In Framingham's DTE F-1-5 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, it is stated that ". . . the MWRA's meters are not always placed in a way that guarantees the most accurate flow numbers." Please state the basis for this statement. In particular, state the basis as to how the flow numbers are not the "most accurate." State the basis as to why the installation of working meters at the discharge points is relevant to the accuracy of the MWRA's flow numbers. Please provide all documents concerning Framingham's responses.

ASH 1-24 In Framingham's DTE F-1-5 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, it is stated that "[B]ecause there will be infiltration and inflow into this pipe between the metering point and point of discharge, the MWRA's flow number likely underreports the actual flow into Framingham's system." State the basis as to why Framingham's statement is based in fact versus anything more than a presumption. Please provide all documents concerning Framingham's responses.

ASH 1-25 In Framingham's DTE F-1-5 Response in the Town of Framingham's Response to the Department's First Set of Information Requests, it is stated in footnote 1 that "[T]he IMA required Ashland to install **metering devices** 'at each point of discharge in to the Framingham system.' (IMA p.2, ¶4) (emphasis added)." Please refer to IMA, p. 2, ¶ and state the basis as to

whether “metering devices” are the same “a Parshall Flume” and why. Please provide all documents concerning Framingham’s responses.

ASH 1-26 In Framingham’s DTE F-1-10 Response in the Town of Framingham’s Response to the Department’s First Set of Information Requests, it is stated that “(a) Framingham maps show this pipeline to be 18.”” What Framingham maps show the pipeline to be 18”? Please provide all documents concerning Framingham’s responses.

ASH 1-27 In Framingham’s DTE F-1-24 Response in the Town of Framingham’s Response to the Department’s First Set of Information Requests, it is stated that “Ashland forwards to Framingham water meter readings for the direct connects. Framingham then bills these customers for sewer services based on the water meter readings providing by Ashland.” What percentage of the water meter readings is presumed to be discharged to the sewerage system? Please provide all documents concerning Framingham’s responses.

ASH 1-28 State the basis for Framingham’s decision to terminate the transport of Ashland sewerage pursuant to the IMA or otherwise. Please provide all documents concerning Framingham’s response.

Respectfully submitted by
The Town of Ashland by its attorneys,

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Dated: _____

CERTIFICATE OF SERVICE

I, Maureen P. Hogan, hereby certify that on this ____ day of February 2003, I served the foregoing by mailing a copy first class, postage prepaid, to:

Christopher J. Petrini, Esq.
Erin K. Higgins, Esq.
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Boston, MA 02109

Maureen P. Hogan

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